

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GPNE CORP., ) C-12-02885 LHK  
)  
PLAINTIFF, ) SAN JOSE, CALIFORNIA  
)  
VS. ) MAY 16, 2014  
)  
APPLE, INC., ) PAGES 1-15  
)  
DEFENDANT. )  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE LUCY H. KOH  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: NELSON, BUMGARDNER, CASTO  
BY: BARRY BUMGARDNER (BY PHONE)  
STEVEN W. HARTSELL (BY PHONE)  
3131 WEST 7TH STREET, SUITE 300  
FORT WORTH, TEXAS 76107

BURNS & LEVINSON  
BY: HOWARD J. SUSSER (BY PHONE)  
125 SUMMER STREET  
BOSTON, MASSACHUSETTS 02110

APPEARANCES CONTINUED ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

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APPEARANCES (CONTINUED)

FOR THE PLAINTIFF:        KERR & WAGSTAFFE  
                                 BY: PATRICIA L. PEDEN (BY PHONE)  
                                 100 SPEAR STREET, 18TH FLOOR  
                                 SAN FRANCISCO, CALIFORNIA 94105  
  
                                 GARTEISER HONEA  
                                 BY: RANDALL GARTEISER (BY PHONE)  
                                 44 NORTH SAN PEDRO ROAD  
                                 SAN RAFAEL, CALIFORNIA 94903  
  
FOR THE DEFENDANT:       FISH & RICHARDSON  
                                 BY: RUFFIN B. CORDELL (BY PHONE)  
                                 1425 K STREET, N.W., 11TH FLOOR  
                                 WASHINGTON, D.C. 20005  
  
                                 BY: CHRISTOPHER O. GREEN (BY PHONE)  
                                 1180 PEACHTREE STREET, 21ST FLOOR  
                                 ATLANTA, GEORGIA 30309  
  
                                 BY: KATHERINE K. LUTTON (BY PHONE)  
                                 500 ARGUELLO STREET, SUITE 500  
                                 REDWOOD CITY, CALIFORNIA 94063

1 SAN JOSE, CALIFORNIA

MAY 16, 2014

2 P R O C E E D I N G S

3 (COURT CONVENED AT 1:03 P.M.)

4 THE CLERK: CALLING CASE NUMBER C-12-02885 LHK, GPNE  
5 CORPORATION VERSUS APPLE.

6 COUNSEL, I THINK LEE-ANNE ALREADY TOLD YOU, BUT THERE ARE  
7 SO MANY OF YOU ON THE PHONE, PLEASE LET US KNOW WHO YOU ARE  
8 WHENEVER YOU SPEAK.

9 STATE YOUR APPEARANCES, PLEASE.

10 MR. CORDELL: HI, YOUR HONOR. THIS IS RUFFIN CORDELL  
11 ON BEHALF OF FISH & RICHARDSON ON BEHALF OF APPLE.

12 THE COURT: GOOD AFTERNOON.

13 MR. CORDELL: GOOD AFTERNOON.

14 MR. BUMGARDNER: YOUR HONOR, THIS IS BARRY BUMGARDNER  
15 FOR GPNE CORPORATION.

16 THE COURT: OKAY. GOOD AFTERNOON. IS ANYONE ELSE ON  
17 THE LINE?

18 MR. SUSSEY: YOUR HONOR, THIS IS HOWARD SUSSEY. I'M  
19 IN BOSTON AND I'M FOR GPNE AND I JUST WILL BE LISTENING.

20 THE COURT: OKAY. GOOD AFTERNOON.

21 MS. PEDEN: GOOD AFTERNOON, YOUR HONOR. THIS IS  
22 PATRICIA PEDEN ON BEHALF OF GPNE.

23 THE COURT: OKAY. GOOD AFTERNOON.

24 MR. HARTSELL: YOUR HONOR, THIS IS STEVEN HARTSELL ON  
25 BEHALF OF GPNE.

1 THE COURT: STEVEN HARTSELL ON BEHALF OF GPNE, OKAY.

2 GOOD AFTERNOON. I HAVE A STEVEN W. HARTSELL AND A

3 STEVEN WAYNE HARTSELL. THOSE ARE THE SAME PERSON?

4 MR. HARTSELL: SAME PERSON.

5 THE COURT: SAME PERSON, ALL RIGHT. THANK YOU.

6 WELCOME.

7 MR. HARTSELL: THANK YOU.

8 MR. CORDELL: YOUR HONOR, THIS IS RUFFIN CORDELL.

9 WITH ME ARE KATHY LUTTON AND CHRISTOPHER GREEN, ALSO FROM

10 FISH & RICHARDSON ON BEHALF OF APPLE.

11 THE COURT: OKAY. GOOD AFTERNOON.

12 ALL RIGHT. ANYONE ELSE? I THINK THAT'S -- OH, WHAT ABOUT

13 RANDY GARTEISER?

14 MR. GARTEISER: YES, YOUR HONOR, RANDALL GARTEISER

15 FOR GPNE. I'M JUST LISTENING.

16 THE COURT: OKAY. WELCOME.

17 I THINK THAT IS EVERYONE ON OUR LIST.

18 THE CLERK: IT IS.

19 THE COURT: OKAY. ALL RIGHT. GREAT.

20 ALL RIGHT. WELL, I AM VERY SORRY, I REALLY DON'T LIKE TO

21 MOVE TRIALS, BUT I DO HAVE CRIMINAL DEFENDANTS WHO HAVE

22 STATUTORY AND CONSTITUTIONAL SPEEDY TRIAL RIGHTS WHO HAVE

23 INDICATED THAT THEY ARE DEFINITELY GOING TO TRIAL. YOU KNOW

24 HOW THESE GO. WE WILL NEVER REALLY KNOW UNTIL WE START

25 SELECTING A JURY WHETHER WE'RE ACTUALLY GOING OR NOT, BUT THEY

1 HAVE INDICATED THAT THEY ARE, IN FACT, NOT GOING TO RESOLVE.

2 SO I DON'T KNOW IF YOU SAW THE CLERK'S NOTICE FROM EARLIER  
3 TODAY. I COULD ACTUALLY ADVANCE YOUR TRIAL DATE AND HAVE THIS  
4 TRIAL BEFORE MY CRIMINAL TRIAL, WHICH WOULD MAKE YOUR JULY 4TH  
5 WEEKEND NOT VERY NICE, OR WE CAN MOVE IT, OR WE CAN KEEP IT.

6 WHAT WOULD YOU LIKE TO DO? I WOULD PREFER NOT TO DELAY IT  
7 TOO MUCH IF YOU WANT TO MOVE IT. CAN ANYONE DO THE EARLIER  
8 DATES?

9 MR. BUMGARDNER: YOUR HONOR, THIS IS BARRY BUMGARDNER  
10 FOR GPNE CORP.

11 AS FAR AS THE EARLIER DATES, WE -- WE HAVE DISCUSSED THIS  
12 WITH APPLE'S COUNSEL JUST WHEN THAT ORDER CAME OUT, AND I THINK  
13 WHILE IT IS -- IT HAS SOME APPEAL.

14 BUT LOGISTICALLY, I THINK IT'S GOING TO BE DIFFICULT FOR  
15 GPNE. WE CERTAINLY HAVE NOT CHECKED WITH OUR WITNESSES AT THIS  
16 POINT, SO WE WOULD -- WE DON'T THINK THAT'S A GOOD OPTION FOR  
17 US, AND I BELIEVE APPLE HAS INDICATED THE SAME, BUT I'LL  
18 CERTAINLY LET MR. CORDELL SPEAK FOR APPLE.

19 MR. CORDELL: YES, YOUR HONOR. THIS IS  
20 RUFFIN CORDELL.

21 WE LOGISTICALLY WOULD HAVE DIFFICULTY MAKING THE EARLY  
22 JULY SETTING, SO WE WOULD ASK THAT THE COURT MOVE THE TRIAL.

23 THE COURT: OKAY. AND WHAT DATES ARE YOU LOOKING AT?

24 MR. CORDELL: THIS IS RUFFIN CORDELL AGAIN.

25 WE CONFERRED WITH PLAINTIFF'S COUNSEL AND THE DATES THAT

1 SEEM TO BE OPEN FOR EVERYONE WOULD BE THE LATTER HALF OF  
2 OCTOBER, SPECIFICALLY, OCTOBER 13 THROUGH 24 IS WHAT WE HAD  
3 DISCUSSED.

4 (PAUSE IN PROCEEDINGS.)

5 THE COURT: SO YOU THINK IT'S ONLY GOING TO BE SIX  
6 DAYS?

7 MR. BUMGARDNER: SPEAKING FOR GPNE CORP., YOUR  
8 HONOR -- THIS IS BARRY BUMGARDNER -- I THINK SIX DAYS WOULD BE  
9 FINE.

10 I GUESS I THINK MORE IN TERMS OF HOURS, 15 HOURS A SIDE.  
11 I THINK THAT GIVES -- YOU KNOW, JUST DEPENDING IF THE COURT  
12 WANTS TO GO FULL DAYS OR HALF DAYS. BUT IF WE CAN GET IN 15  
13 HOURS A SIDE, FROM GPNE'S PERSPECTIVE, THAT WOULD BE PLENTY OF  
14 TIME TO TRY THIS CASE.

15 THE COURT: OKAY. LET'S GO AHEAD AND FIGURE OUT OUR  
16 LIMITS NOW. THAT MIGHT HELP WITH SCHEDULING.

17 WHAT ABOUT 45, OR EVEN 40 MINUTES PER SIDE FOR OPENING?

18 MR. BUMGARDNER: THAT IS -- BARRY BUMGARDNER FOR  
19 GPNE.

20 THAT IS FINE WITH US, YOUR HONOR.

21 MR. CORDELL: AND FOR APPLE, YOUR HONOR, THIS IS  
22 RUFFIN CORDELL.

23 THAT SHOULD BE FINE.

24 THE COURT: OKAY. 40 MINUTES. SO WE'LL DO 40  
25 MINUTES FOR OPENING PER SIDE.

1 YOU WANT 15 HOURS APIECE FOR EVIDENCE. THAT'S FINE.

2 WHAT ABOUT AN HOUR APIECE FOR CLOSING, AN HOUR PER SIDE  
3 FOR CLOSING?

4 MR. BUMGARDNER: BARRY BUMGARDNER FOR GPNE.

5 THAT'S CERTAINLY ACCEPTABLE, YOUR HONOR.

6 MR. CORDELL: AND YOUR HONOR, FOR -- RUFFIN CORDELL  
7 FOR APPLE.

8 THAT WOULD BE SUFFICIENT FOR US AS WELL.

9 THE COURT: OKAY. AND WHAT IS THE LIKELIHOOD THAT  
10 THIS IS ACTUALLY GOING TO TRIAL ANYWAY? EVERYONE ELSE HAS  
11 SETTLED OUT. IS THERE STILL THIS ISSUE ABOUT THE DISPUTE IN  
12 CHINA?

13 MR. BUMGARDNER: BARRY BUMGARDNER FOR GPNE, YOUR  
14 HONOR.

15 YES, THAT ISSUE REMAINS AND HAS NOT CHANGED FROM WHAT WE  
16 REPORTED PREVIOUSLY. I CAN'T SAY THE -- THERE HAVE BEEN SOME  
17 COMMUNICATIONS BETWEEN THE PARTIES REGARDING RESOLVING THIS  
18 CASE SHORT OF TRIAL, BUT AT THIS POINT, YOUR HONOR, I THINK  
19 FROM GPNE'S PERSPECTIVE, THIS CASE IS LIKELY TO PROCEED TO  
20 TRIAL.

21 MR. CORDELL: YOUR HONOR, THIS IS RUFFIN CORDELL FOR  
22 APPLE.

23 I AGREE WITH MR. BUMGARDNER'S CHARACTERIZATION.

24 THE COURT: CAN I SEND YOU TO ANY FURTHER ALTERNATIVE  
25 DISPUTE RESOLUTION?

1 MR. BUMGARDNER: BARRY BUMGARDNER FOR GPNE.

2 YOUR HONOR, WE CERTAINLY APPRECIATE THAT, AND FROM GPNE'S  
3 PERSPECTIVE, WE ARE ALWAYS OPEN TO SPEAKING WITH APPLE ABOUT  
4 ANY SORT OF ALTERNATIVE DISPUTE RESOLUTION ABOUT RESOLVING THIS  
5 CASE.

6 MR. CORDELL: AND YOUR HONOR, FOR APPLE, THIS IS  
7 RUFFIN CORDELL.

8 APPLE IS ALWAYS OPEN TO AND WOULD WELCOME ANY ASSISTANCE  
9 TO GET THE CASE RESOLVED.

10 THE COURT: ALL RIGHT. SO WHO WOULD YOU LIKE?

11 MR. BUMGARDNER: WE NEED -- BARRY BUMGARDNER FOR  
12 GPNE.

13 WE MEDIATED THIS CASE ONCE AND, RUFFIN, I CANNOT RECALL  
14 THE MEDIATOR'S NAME RIGHT OFF, BUT IT'S --

15 I THINK WE'RE GENERALLY OPEN, YOUR HONOR. IF THE COURT  
16 HAS SOME SUGGESTIONS, WE'RE CERTAINLY HAPPY TO ENTERTAIN THOSE,  
17 OR I DO NOT MIND GETTING WITH APPLE'S COUNSEL AND GOING BACK TO  
18 THE PREVIOUS MEDIATOR OR SOMEONE NEW.

19 MR. CORDELL: YOUR HONOR, RUFFIN CORDELL.

20 I THINK MAGISTRATE LAPORTE HAS HAD SOME RECENT SUCCESS AND  
21 I THINK MIGHT BE A GOOD IDEA, BUT WE'RE HAPPY TO DISCUSS THAT  
22 WITH GPNE AND TAKE THE COURT'S DIRECTION.

23 THE COURT: WELL, WHY DOESN'T GPNE STATE YOUR VIEW  
24 NOW? LET'S JUST GET THIS RESOLVED NOW. WOULD YOU LIKE A  
25 REFERRAL TO MAGISTRATE JUDGE LAPORTE FOR A SETTLEMENT



1 CONFERENCE?

2 MR. BUMGARDNER: THAT WOULD BE FINE WITH GPNE, YOUR  
3 HONOR.

4 THE COURT: OKAY.

5 MR. BUMGARDNER: THIS IS BARRY BUMGARDNER.

6 THE COURT: ALL RIGHT. WELL, RIGHT NOW WE HAVE --  
7 HAVE YOU ALL CONCLUDED YOUR AMENDMENTS OR RENEWED DAMAGES  
8 EXPERT REPORTS?

9 MR. BUMGARDNER: BARRY BUMGARDNER, YOUR HONOR.

10 YES, THE -- THE NEW DAMAGES REPORTS HAVE BEEN EXCHANGED BY  
11 BOTH EXPERTS. THE DEPOSITION OF APPLE'S DAMAGES EXPERT  
12 OCCURRED A FEW DAYS AGO, AND GPNE'S DAMAGES EXPERT WILL BE  
13 DEPOSED ON THIS TUESDAY.

14 THE COURT: ALL RIGHT. THAT'LL BE -- SO MAY 20TH,  
15 YOU'LL HAVE COMPLETED ALL OF YOUR EXPERT DISCOVERY.

16 NOW, WHAT IS MORE LIKELY TO FACILITATE A SETTLEMENT?  
17 KEEPING THE PRETRIAL CONFERENCE DATE OF JUNE 26TH, WHICH I AM  
18 HAPPY TO DO? I DON'T SEE ANY REASON --

19 MR. BUMGARDNER: THIS IS --

20 THE COURT: -- ANY REASON TO MOVE THE MOTION IN  
21 LIMINE, DAUBERT DEADLINE OF MAY 29TH, THE OPPOSITION DEADLINE  
22 OF JUNE 5TH, AND HAVING THE FINAL PRETRIAL CONFERENCE AND  
23 DAUBERT HEARING ON JUNE 26TH.

24 MR. BUMGARDNER: THIS IS BARRY BUMGARDNER FOR GPNE,  
25 YOUR HONOR.

1 THE COURT: UM-HUM.

2 MR. BUMGARDNER: IT'S -- IF THAT'S -- IF THE COURT  
3 WOULD LIKE TO DO THAT, WE'RE CERTAINLY WILLING TO ABIDE BY  
4 THOSE DATES.

5 WE HAD DISCUSSED WITH APPLE PUSHING THE PRETRIAL  
6 CONFERENCE AND THOSE DATES FURTHER BACK CLOSER TO, TO THE TRIAL  
7 DATE, AND WE'RE OPEN TO THAT JUST TO GIVE THE PARTIES A LITTLE  
8 BIT MORE -- YOU KNOW, JUST TO GIVE US A LITTLE BIT MORE TIME  
9 AND PUSH SOME OF THIS WORK OUT CLOSER TO TRIAL.

10 BUT, AGAIN, WE'RE HAPPY TO DO WHATEVER THE COURT WOULD  
11 LIKE IN THAT REGARD.

12 MR. CORDELL: YOUR HONOR, THIS IS RUFFIN CORDELL FOR  
13 APPLE.

14 ONE OF THE THOUGHTS WE HAD WAS TO MAINTAIN THE CURRENT  
15 DAUBERT DATE OF MAY 29, BUT PUSH THE OTHER PRETRIAL DEADLINES  
16 BACK JUST TO GIVE THE PARTIES A CHANCE TO RESOLVE THIS.

17 THE CHINA ISSUE REMAINS THE DIFFICULT ONE, BUT PERHAPS  
18 WITH MAGISTRATE JUDGE LAPORTE'S ASSISTANCE, WE CAN GET IT DONE.

19 AND I THINK WE HAD PROPOSED TO THE OTHER SIDE THAT WE  
20 COULD DO THE PRETRIAL ON AUGUST 27TH OR 28TH, OR SEPTEMBER 3RD  
21 OR 4TH.

22 MR. BUMGARDNER: AND, YOUR HONOR, BARRY BUMGARDNER.

23 THOSE DATES, WE WERE -- THOSE DATES ARE DOABLE FOR US, THE  
24 ONES MENTIONED BY APPLE'S COUNSEL, AND WE MIGHT SUGGEST PUSHING  
25 THEM BACK EVEN CLOSER TO TRIAL SORT OF WITH THE SAME TIMING AS

1 IT IS NOW WITH THE PRETRIAL DATE AND THE CURRENT TRIAL DATE.

2 BUT THE DATES MENTIONED BY APPLE'S COUNSEL ARE FINE.

3 THOSE WOULD WORK FOR GPNE.

4 THE COURT: SO THE LAST TIME THAT YOU ALL WERE HERE,  
5 I THINK THAT WAS FOR THE SUMMARY JUDGMENT HEARING, THERE WAS  
6 SOME REPRESENTATION BY GPNE'S COUNSEL THAT, THAT GPNE HAS NO  
7 CONTROL OVER THE CHINA DISPUTE, OR -- I'M PROBABLY NOT PHRASING  
8 IT CORRECTLY. ISN'T GPNE THE PLAINTIFF IN THE CHINA DISPUTE?

9 MR. BUMGARDNER: BARRY BUMGARDNER, YOUR HONOR.

10 YES, GPNE IS THE PLAINTIFF, AND WHAT YOUR HONOR MAY BE  
11 RECALLING IS THAT MR. SUSSEER AND I AND OUR FIRM, WE ARE NOT  
12 INVOLVED IN THE CHINA DISPUTE. SO TO THE EXTENT -- THE LAWYERS  
13 HERE IN THE UNITED STATES DO NOT HAVE CONTROL OF THAT, BUT IT  
14 IS THE SAME PLAINTIFF, GPNE CORP., THAT IS THE OWNER OF THE  
15 CHINESE PATENTS, AS WELL AS THE U.S. PATENTS AND HAVE CONTROL  
16 OVER BOTH OF THOSE.

17 MR. SUSSEER: YOUR HONOR, THIS IS HOWARD SUSSEER. MAY  
18 I INTERJECT?

19 THE COURT: PLEASE, GO AHEAD.

20 MR. SUSSEER: THANK YOU, YOUR HONOR.

21 YEAH, I THINK THAT WAS ME WHO SAID THAT. SO I'M HAPPY TO  
22 REPORT THAT WE'VE MADE PROGRESS THERE BY THAT APPLE IN-HOUSE  
23 COUNSEL HAS BEEN INTRODUCED TO OUR COUNTERPARTS IN CHINA  
24 HANDLING THAT CASE.

25 SO IT'S MOVING IN THE RIGHT DIRECTION IS ALL I CAN SAY

1 RIGHT NOW, TO HAVE APPLE IN-HOUSE COUNSEL SPEAKING TO US,  
2 THAT'S BARRY AND ME FOR THE U.S. CASE, AND SPEAKING TO OUR  
3 COUNTERPARTS IN CHINA FOR THE CHINA CASE.

4 SO I AGREE WITH MR. CORDELL THAT IT IS POSSIBLE, WITH A  
5 LITTLE NUDGING, WE MIGHT BE ABLE TO GET CLOSER OR EVEN GET IT  
6 DONE.

7 THE COURT: ALL RIGHT. WELL, I THINK KEEPING THE  
8 PRETRIAL CONFERENCE AND THE DAUBERT DATE ON JUNE 26TH IS JUST  
9 THE RIGHT NUDGING TO GET THIS RESOLVED. ALL RIGHT? SO I'M NOT  
10 MOVING THOSE DATES.

11 THE MOTIONS IN LIMINE AND DAUBERT MOTIONS ARE DUE  
12 MAY 29TH; THE OPPOSITIONS ARE DUE JUNE 5TH; WE'LL HAVE A FINAL  
13 PRETRIAL CONFERENCE AND DAUBERT HEARING ON JUNE 26TH AT 1:30.

14 I WILL REFER THIS MATTER TO JUDGE LAPORTE FOR A MAGISTRATE  
15 JUDGE SETTLEMENT CONFERENCE.

16 OUT OF RESPECT TO HER SCHEDULE, I'M JUST GOING TO SET IT  
17 FOR A 90 DAY DEADLINE, BUT OBVIOUSLY PLEASE CALL HER COURTROOM  
18 DEPUTY AS QUICKLY AS POSSIBLE TO GET ON CALENDAR AS QUICKLY AS  
19 YOU AND SHE ARE ABLE.

20 MR. BUMGARDNER: YES, YOUR HONOR.

21 THE COURT: OKAY. SO WE'LL GO AHEAD AND SET THE  
22 DATE -- I'M JUST DOING THE CALCULATION HERE. IF YOU WANTED 30  
23 HOURS OF TESTIMONY, THAT'S ABOUT SIX TO SEVEN DAYS, SO I THINK  
24 WE WOULD NEED TO SET THIS FOR PROBABLY AT LEAST SEVEN, AT LEAST  
25 SEVEN DAYS. SO LET'S SAY OCTOBER 13, 14, 17, 20, 21, 24, AND

1 27.

2 THE REPORTER: THE 13TH IS A HOLIDAY.

3 THE CLERK: THE 13TH IS COLUMBUS DAY.

4 THE COURT: OH, THAT'S A HOLIDAY.

5 AND, YOU KNOW, I DO HAVE ANOTHER TRIAL -- IS THERE ANY WAY  
6 THAT THIS COULD BE A LITTLE BIT EARLIER IN OCTOBER?

7 MR. BUMGARDNER: THAT WORKS FOR GPNE, YOUR HONOR.

8 MR. CORDELL: YES, AND A LITTLE BIT EARLIER IN THE  
9 MONTH ALSO WORKS FOR APPLE, YOUR HONOR.

10 THIS IS RUFFIN CORDELL.

11 THE COURT: OH, OKAY. BECAUSE, YOU KNOW, I HAVE, I  
12 THINK, MORE AVAILABILITY IN SEPTEMBER AND MORE AVAILABILITY IN  
13 EARLY OCTOBER. I DO HAVE -- YOU KNOW, I'M TRYING TO MAKE MY  
14 BEST GUESSTIMATE OF WHICH CASES ARE ACTUALLY GOING TO GO TO  
15 TRIAL, BUT I DO HAVE ONE THAT'S BEGINNING ON OCTOBER 20TH WHICH  
16 WILL PROBABLY NOT BE GOING, BUT I CAN'T GUARANTEE IT. SO A  
17 LITTLE BIT EARLIER MIGHT BE SAFER IF THAT WORKS FOR YOU,  
18 ESPECIALLY IF WE NEED, YOU KNOW, SEVEN DAYS PLUS DELIBERATION  
19 TIME.

20 MR. BUMGARDNER: THIS IS BARRY BUMGARDNER FOR GPNE  
21 CORP., YOUR HONOR.

22 YES, WE ARE GOOD UP THROUGH THE BEGINNING, GOING BACKWARDS  
23 FROM, SAY, OCTOBER 1ST THROUGH THOSE TIME PERIODS WE'RE TALKING  
24 ABOUT. ANY OF THAT TIME IS OKAY FOR GPNE.

25 THE COURT: ALL RIGHT. DOES THAT WORK FOR APPLE'S

1 COUNSEL?

2 MR. CORDELL: YOUR HONOR, THIS IS RUFFIN CORDELL.

3 WE CAN CERTAINLY DO IT EARLIER IN OCTOBER. OUR PREFERENCE  
4 WOULD BE TO START OCTOBER 6TH, THE WEEK OF OCTOBER 6TH, BUT IF  
5 WE HAD TO MOVE TO THE PRIOR WEEK IN OCTOBER, WE COULD.

6 AND ACTUALLY, YOUR HONOR, AGAIN, I'M IN THAT -- ONE OF OUR  
7 WITNESSES HAS A CONFLICT PRIOR TO THE 6TH, SO I THINK  
8 OCTOBER 6TH IS THE MOST PRACTICAL DATE WE COULD DO IT.

9 THE COURT: OKAY. SO 6, 7, 10, 14, 17, AND 20, WHICH  
10 MIGHT CONFLICT WITH MY OTHER TRIAL. IF I NEED TO, I'LL DO ONE  
11 IN THE MORNING, ONE IN THE AFTERNOON.

12 WHY DON'T WE MOVE THIS TO OCTOBER 6, 7, 10, THE 13TH IS A  
13 HOLIDAY SO WE CAN'T HAVE TRIAL THAT DAY, BUT 14, 17, 20 AND, IF  
14 NECESSARY, 21. OKAY?

15 AND I'M SORRY TO HAVE TO MOVE THIS, BUT THOSE WILL BE OUR  
16 NEW TRIAL DATES.

17 WHAT ELSE DO WE NEED TO DO TODAY? WE'RE KEEPING THE  
18 PRETRIAL CONFERENCE AND THE DAUBERT HEARING, KEEPING THOSE  
19 DEADLINES.

20 AND I THINK LAST TIME, DID I GIVE YOU PAGE LIMITS AND  
21 MOTION LIMITS?

22 MR. BUMGARDNER: BARRY BUMGARDNER FOR GPNE.

23 YES, YOU DID, YOUR HONOR.

24 THE COURT: OKAY. ALL RIGHT. ANYTHING ELSE THAT WE  
25 NEED TO DO?

1 MR. CORDELL: NOT FROM APPLE, YOUR HONOR. THANK YOU.

2 MR. BUMGARDNER: THIS IS BARRY BUMGARDNER.

3 NOTHING FOR GPNE. THANK YOU, YOUR HONOR.

4 THE COURT: ALL RIGHT. THEN THANK YOU VERY MUCH.

5 THANK YOU FOR YOUR FLEXIBILITY IN HAVING A STATUS CONFERENCE

6 TODAY, I GREATLY APPRECIATE IT, AND THANK YOU FOR BEING SO

7 RESPONSIVE TO MY ORDER ABOUT THE TRIAL DATES.

8 ALL RIGHT. THANK YOU ALL. HAVE A GOOD WEEKEND.

9 MR. CORDELL: THANK YOU, YOUR HONOR. YOU, TOO.

10 MR. BUMGARDNER: THANK YOU, YOUR HONOR.

11 (THE PROCEEDINGS WERE CONCLUDED AT 1:23 P.M.)

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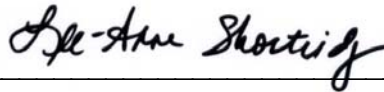
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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

DATED: JUNE 2, 2014